

**FILED**

**FEB 16 2006**

**CATHY A. CATTERSON, CLERK  
U.S. COURT OF APPEALS**

**NOT FOR PUBLICATION**

**UNITED STATES COURT OF APPEALS**

**FOR THE NINTH CIRCUIT**

DWIGHT HANZY,

Petitioner - Appellant,

v.

JAMES M. SCHOMIG, Warden,

Respondent - Appellee.

No. 05-15069

D.C. No. CV-03-00531-JCM

MEMORANDUM<sup>\*</sup>

Appeal from the United States District Court  
for the District of Nevada  
James C. Mahan, District Judge, Presiding

Submitted February 13, 2006<sup>\*\*</sup>

Before: FERNANDEZ, RYMER, and BYBEE, Circuit Judges.

Nevada state prisoner Dwight Hanzy appeals *pro se* from the district court's denial of his 28 U.S.C. § 2254 habeas corpus petition challenging his conviction

---

<sup>\*</sup> This disposition is not appropriate for publication and may not be cited to or by the courts of this circuit except as provided by Ninth Circuit Rule 36-3.

<sup>\*\*</sup> This panel unanimously finds this case suitable for decision without oral argument. *See* Fed. R. App. P. 34(a)(2).

by guilty plea for burglary, grand larceny, and possession of stolen property. We have jurisdiction pursuant to 28 U.S.C. § 2253.

Hanzy contends that his guilty plea was not knowing or voluntary because he was not competent and because his counsel was ineffective. Based on our review of the record, we conclude that the state court's decision — i.e., that there was no reasonable doubt as to Hanzy's competency and that his counsel was not ineffective — was not contrary to or an unreasonable application of clearly established federal law and was not based on an unreasonable determination of the facts in light of the evidence presented in the state court proceedings. *See* 28 U.S.C. § 2254(d); *Early v. Packer*, 537 U.S. 3, 7 (2002).

**AFFIRMED.**